

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA, et al.,

Plaintiff(s),

v.

MICHAEL R. MANUELE, as Successor  
Trustee of the William R. Bishop Living  
Trust Dated December 21, 2010, et al,

Defendant(s).

Case No. 2:15-CV-688 JCM (NJK)

ORDER

Presently before the court is plaintiff's notice of voluntary dismissal with prejudice of defendant Michael R. Manuele pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). (Doc. # 53). Plaintiff seeks dismissal of defendant Michael R. Manuele on the basis that he has not served an answer or a motion for summary judgment and because he has been replaced as trustee of the trust by Paul Bishop, another party herein. (*Id.* at 3).

Fed. R. Civ. P. 41(a)(1)(A)(i) allows a plaintiff to voluntarily dismiss a claim without court order "by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment."

Defendant Michael R. Manuele has not filed an answer nor has he filed a motion for summary judgment. Therefore, dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i) is proper.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this matter be, and the same hereby is, dismissed with prejudice as it pertains to defendant Michael R. Manuele.

1 IT IS FURTHER ORDERED that each party bear its own attorneys' fees and costs.

2 DATED September 25, 2015.

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4 UNITED STATES DISTRICT JUDGE